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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,764	10/20/2003	Byung-Ryul Ryoo	1293.1910	8966

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EXAMINER

GOMA, TAWFIK A

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,764	Applicant(s) RYOO ET AL.	
	Examiner Tawfik Goma	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/04 and 10/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rearrangement of the elements claimed in claims 9, 10 and 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 8 and 11 rejected under 35 U.S.C. 102(b) as being anticipated by Komma et al (US 5644413), herein Komma.

Regarding claim 1, Komma discloses an optical pickup apparatus comprising: a light source which emits laser light (45, fig. 19); a beam splitter which changes the travel path of incident light (48, fig. 19); an objective lens which condenses light passed through the beam splitter to form a light spot on an optical recording medium (50, fig. 19); and a photo detector which receives light reflected from the optical recording medium and then passed through the beam splitter to detect an information signal and an error signal (53, fig. 19), wherein the optical pickup apparatus further comprises a grating which diffraction-transmits incident light (94, fig. 20), a wavelength plate which changes polarization characteristic of incident light (95, fig. 20), and an optical output compensating lens which compensates output of light incident from the light source (100, fig. 20), all of which being disposed on an optical path between the light source and the beam splitter (99, fig. 19), wherein at least two of the grating, the wavelength

plate, and the optical output compensating lens are formed in one body (99, figs. 19 and 20).

Regarding claim 2, Komma further discloses wherein the grating is formed on an optical incident surface and/or an optical emitting surface of the wavelength plate, so that the grating and the wavelength plate are formed in one body (99, fig.19).

Regarding claim 3, Komma further discloses wherein the wavelength plate, which is formed in one body with the grating, is bonded to the optical output compensating lens (99, fig. 20).

Regarding claim 4, Komma further discloses wherein the grating is formed on an optical incident surface and/or an optical emitting surface of the optical output compensating lens, so that the grating and the optical output compensating lens are formed in one body (94, 100, 99, fig.20).

Regarding claim 5, Komma further discloses wherein the wavelength plate and the optical output compensating lens are bonded to each other (95, 100, fig. 20).

Regarding claim 7, Komma further discloses wherein the grating is formed on an optical incident surface of the wavelength plate, so that the grating and the wavelength plate are formed in one body (94, 95, fig. 20).

Regarding claim 8, Komma further discloses wherein the wavelength plate, which is formed in one body with the grating, is bonded to the optical output compensating lens (95, 100, fig. 20).

Regarding claim 11, Komma further discloses wherein the grating is formed on

an optical incident surface of the optical output compensating lens, so that the grating and the optical output compensating lens are formed in one body (94, 100, fig. 20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komma et al (5644413) in view of Park et al (US 2003/0053394).

Regarding claims 6 and 13-16, Komma discloses everything claimed as applied above (see claims 1-5). Komma fails to disclose a holder in which the light source is fixed; and a cylinder, in which at least two of the grating, the wavelength plate, and the optical output compensating lens are fixed and which is movable in an optical axis direction with respect to the holder and is installed rotatably, wherein a position of the cylinder is adjustable in the optical axis direction and a rotation direction with respect to the holder. In the same field of endeavor, Park discloses a cylinder (70, fig. 10) supporting optical elements including a grating (45, fig. 10) and which is capable of supporting the elements to be rotatable about an optical axis and adjustable in an optical axis direction (pars. 63 and 64). It would have been obvious to one of ordinary skill in the art to modify the optical pickup disclosed by Komma by providing for a cylinder for rotating and moving the optical element as taught by Park. The rationale is

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as follows: One of ordinary skill in art at the time of the applicant's invention would have been motivated to provide the rotatable and movable support in order to adjust parameters of an optical axis for a multiple types of disks used with the single pickup (see Park, par. 70).

Claims 9, 10 and 12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Komma et al (US 5644413).

The rejections to claims 9, 10 and 12 are made in view of the drawing objection above.

Regarding claims 9, 10 and 12 Komma discloses all of the components of the optical element and their alternative arrangement as applied above (see claims 1-5, 7, 8 and 11). Claims 9, 10 and 12 are directed to a rearrangement of the optical elements disclosed by Komma. It would have been obvious to one of ordinary skill in the art to modify the optical element disclosed by Komma by rearranging the optical elements. The claims are deemed an obvious rearrangement that does not change the scope of the overall invention (see MPEP 2144.04 Paragraph VI (C)).

In re JAPIKSE

(CCPA)

86 USPQ 70

Decided May 9, 1950

Appl. No. 5634

U.S. Court of Customs and Patent Appeals


In the brief of the Solicitor for the Patent Office it is pointed out that the claim reads on Cannon except as to the final limitation reading "means disposed in alignment with said opening for contact by said depending means to start the pressing operation of said hydraulic press." As to that limitation it was held that there would be no invention in shifting the starting switch disclosed by Cannon to a different position since the operation of the device would not thereby be modified.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tawfik Goma whose telephone number is (571) 272-4206. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


T. Goma
6/9/2006


THANG V. TRAN
PRIMARY EXAMINER